

EXHIBIT A

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OF:
TOWNSHIP OF MAHWAH
VS.
RAMAPOUGH MOUNTAIN INDIANS, INC., ET AL.

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1 CHIEF DWAIN PERRY,
2 having first been duly affirmed, was examined
3 and testified as follows:

4 EXAMINATION

5 BY MR. CHAGARIS:

6 Q. All right. Mr. Perry or chief
7 Perry have you ever been deposed before?

8 A. Yes.

9 Q. Well, let me refresh your memory
10 just in case you haven't been deposed in a
11 while. It is a question and answer session I'm
12 going to ask you questions about this matter
13 and I will ask you to give your answers to the
14 best of your ability. I know that Mr. Wallace
15 is here Walsh?

16 MR. WALLACE: Wallace.

17 BY MR. CHAGARIS:

18 Q. Mr. Wallace is with you today and
19 he is admitted pro hoc /SREURB an in this cases
20 regularly a New York attorney so forth /PWERPB
21 if it of the record and so that we understand
22 is that under the rules of New Jersey court the
23 taking of a ^ deposition is ^ depositions
24 governed by rule four colon 14 dash three in
25 particular the rule states and I will ^,

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1 quote, ^ quote it for the record no objection
2 shall be made during the taking of a deposition
3 except those addressed to the form of the
4 question or to assert a privilege, a right of
5 confidentiality or limitation pursuant to
6 previously entered court order. . Do you
7 understand that?

8 A. Well that is a legal term. I mean
9 I don't know.

10 Q. Well, in other words, during the
11 course of your deposition your attorney who is
12 with you today, Mr. /WAEULS ^ a ^ ace cannot
13 object to any questions except as to the ^ for
14 many ^ form, as to any privilege or as to any
15 matter of confidentiality?

16 MR. WALLACE: I have read the rule
17 and ^ am ^ many familiar with it and it's
18 quite similar to the ^ with a ^ way we
19 practice in New York and it is also quite
20 similar I think it's actually based on the
21 federal rule.

22 BY MR. CHAGARIS:

23 Q. Just so that the record is clear.
24 Also during the course of the deposition you
25 cannot ^ be ^ been instructed not to answer

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1 except on the matter of privileged or
2 confidentiality or if there is limitation by a
3 prior court order. Also during the taking of
4 your deposition when a question is asked of you
5 you cannot con consult with your attorney
6 before you give your answer. Do you understand
7 that?

8 A. Yes.

9 Q. Okay. And if there is a question
10 that I ask you that you do not understand
11 please tell me and I will be happy to rephrase
12 it or repeat. ^ It is ^ Itself for for you to
13 understand if you give an answer we are going
14 to assume that you are answering the actually
15 question that I posed. Do you understand that?

16 A. Right.

17 Q. And we don't want you to guess or
18 speculate. If you are going to give an
19 estimation or an approximation tell us that
20 you're doing so that we know it is not based on
21 your own certainty but ^ it is ^ itself on an
22 estimation?

23 A. Okay.

24 Q. If you need to take a break let us
25 know make sure that we will accommodate if you

Page 25

1 shoulder that's Mr. Molt?
 2 A. It looks like him.
 3 Q. Okay. I just want to make sure.
 4 A. That is a bad picture of me for the
 5 record.
 6 Q. And Mr. Smith who is present today
 7 what is his relation to the tribe?
 8 A. He is a tribal member.
 9 Q. Is he on the council, tribal
 10 council?
 11 A. No.
 12 Q. When -- let me start again did you
 13 grow up in this area, sir?
 14 A. Yes.
 15 Q. What town in this area did you grow
 16 up in?
 17 A. Hill burn.
 18 Q. And did you visit the location of
 19 where the current headquarters are when you
 20 were growing up?
 21 A. Yes.
 22 Q. Okay. And the location that's in
 23 discussion today is we'll call it 95 Halifax
 24 road?
 25 A. Uh-huh.

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1 Q. So you don't have any recollection?
 2 A. Well, I have gone down there a
 3 number of times he during the powwows I have
 4 gone a down there to do some to pray I have
 5 actually ^ be ^ been down with the dein a pipe
 6 ceremony in the early eighties, we marked a
 7 couple spots with the Denay's where we do the
 8 ceremonies at.
 9 Q. And is that location other than the
 10 address of 95 Halifax road does that go by any
 11 other name other than 95 Halifax road that
 12 location?
 13 A. Well, it's been Sweetwater but it
 14 was also part of the the Fike and also that
 15 property was owned by the degrout family and my
 16 understanding with that was they had about 300
 17 acre farm /TWHEULS Ramapo college now sits part
 18 on. And they had they have been visited
 19 numerous times and at the end Mr. DeGrout moved
 20 a farm for one dollar and moved his family up
 21 to orange county in the middle of the night I
 22 don't know what that means but that is the
 23 ^ store I ^ story the family has told and I
 24 have gotten that directly from some of the
 25 elders.

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1 Q. Have you ever visited that before
 2 you ^ became ^ become chief?
 3 A. Many times.
 4 Q. When was the first time you recall
 5 visiting that location?
 6 A. When I was a kid I went by there
 7 with my father I don't know what 50 years ago,
 8 60 years, probably 60 years ago.
 9 Q. All right. And what -- the 501 C
 10 three obtained title to 95 Halifax road in 1995
 11 is that /KR-BG?
 12 A. I believe so yes.
 13 Q. But did you use the location I'm
 14 sorry did the tribe use the location at 95
 15 Halifax road before 1995?
 16 A. Oh, yes yes.
 17 Q. And what was it used for?
 18 A. Primarily used for ceremony.
 19 Q. Okay. And how often was the
 20 property used before 1995?
 21 A. That I couldn't speak to. I was a
 22 kid, until 95.
 23 Q. Okay.
 24 A. I would have to refer to some
 25 elders who really aren't here.

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1 Q. Who did the DeGrout family sell the
 2 property too?
 3 A. I don't know it was white folks
 4 that came around every day that asked to buy
 5 it. There must ^ be ^ been county records.
 6 Q. Okay.
 7 A. I'd like to add to that he has
 8 successful farm (he had) he signed the bill of
 9 sale with an X.
 10 Q. And so this property 95 Hal
 11 /TPHAOBGS was within the 300 acre farm that the
 12 DeGrouts had?
 13 A. Right and also chief man is who has
 14 been known technically live on the Ramapo
 15 campus /(lived right there in that area that
 16 was Squire Christie prior to the inception of
 17 town of Mahwah but ^ it is ^ itself recorded in
 18 Mahwah history.
 19 Q. But at 95 Halifax road?
 20 A. That would be 95 Halifax.
 21 Q. And?
 22 A. Oh, one other thing.
 23 Q. Go ahead?
 24 A. Nick DeFreeeces family I think you
 25 are aware of he is down one acre one acre left

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1 down there at the 95 Halifax area and it's
 2 landlocked somehow. They started with nine
 3 acres and acreage has been dwindling every
 4 year now they are down to one acre that is
 5 landlocked that I thought was against the law
 6 but -- I'm sorry I'm not ^ exposed ^ supposed
 7 to look at those guys.
 8 Q. And what is the size of 95 Halifax
 9 road in the acreage or square foot?
 10 A. ^ Well, the ^ Wealth property that
 11 we maintain is 13 point nine acres I believe.
 12 Q. Okay. And besides that address did
 13 I ask you did it go by any other name other
 14 than the address of 95 Halifax?
 15 A. Well, I don't know what it was
 16 called prior to that. I just think I it was
 17 they were called by the a certificate moan
 18 /KWRAL thing same thing ^ go ^ gone down to the
 19 land that I am aware of.
 20 Q. Was it ^ ever ^ every known as
 21 under the name of Sweetwater or Split Rock or
 22 anything any name like that?
 23 A. Well, Ramapo means Sweetwater.
 24 Split Rock technically is the name of the
 25 mountain above it that's, if you look at it

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1 Q. Okay. Can you go to the --
 2 A. It's got my name on it.
 3 Q. ^ Go ^ Gone to page number six?
 4 A. It has my signature on it.
 5 Q. Is that your signature?
 6 A. Yes.
 7 Q. It has a date next to your
 8 signature date of May 31, 2017; is that
 9 correct?
 10 A. That's correct.
 11 Q. But -- do you recognize this
 12 document ^ have gone ^ having pointed out that
 13 to you do you recognize this document?
 14 A. Well, not that I recollect nice it.
 15 I recognize my signature so I would have to say
 16 I have seen the document. I'm just saying you
 17 handed this to me hand me a magazine.
 18 Q. So you're saying if you signed it
 19 at the time you had read it then?
 20 A. Yeah ^ lead ^ led me read it.
 21 Q. Sure take your time.
 22 A. Any particular questions?
 23 Q. Yes I actually direct your
 24 attention to paragraph 13 which is on page 3?
 25 A. Okay.

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1 home general /KHREU ^ it is ^ itself all part
 2 of the same property ^ it is ^ itself all part
 3 of the same ceremonial site.
 4 Q. So I understood you to say that
 5 Sweetwater is the name another name for Ramapo;
 6 is that correct?
 7 A. Yes.
 8 Q. And Split Rock is up in the
 9 mountains?
 10 A. Split Rock yeah is above it.
 11 Q. Above it okay. So (P-2 marked,
 12 certification of chief Dwaine Perry)?
 13 Q. Chief do you recognize this
 14 document?
 15 A. No.
 16 Q. Look at the first page. ^ It
 17 is ^ itself on the title it says certification
 18 of chief Dwaine Perry in support of motion to
 19 vacate temporary restraints did I read that
 20 correctly?
 21 A. That's what it says yes (that is
 22 the title define /STPH-FLT (.
 23 Q. Have you seen this document before
 24 today?
 25 A. I don't recall it no.

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1 Q. Let's start at paragraph 12 I will
 2 read it for the record. Sweetwater is uniquely
 3 ^ side ^ sighed ^ situated for our ceremonies
 4 and I are replaceable for that purpose for
 5 several reasons detailed below did I read that
 6 correctly?
 7 A. Wait a minute I'm trying to back
 8 where this --
 9 Q. Take your time.
 10 A. Okay where is it?
 11 Q. Paragraph 12 on page 3. Again I
 12 will read it again for the record?
 13 A. Yes, it is. ^ It is ^ itself
 14 correct.
 15 Q. That seems -- that means the Ramapo
 16 river am I correct then?
 17 A. Essentially the river is
 18 ^ importance ^ important to the ^ hole ^ whole.
 19 Q. For ^ side ^ sighed ^ situated for
 20 ceremonies and I are replaceable for the
 21 purposes set forth below. It says number 13 I
 22 will read it for the record first Sweetwater is
 23 very close to two sites sacred to the tribe did
 24 I read that correctly?
 25 A. Yes.

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1 under what is known as a cc. Do you know what
 2 I I say the term cc?
 3 A. Yes.
 4 Q. Your name is there, correct?
 5 A. Correct.
 6 Q. Did you receive a copy of this do
 7 you recall?
 8 A. Yeah.
 9 Q. Okay.
 10 A. Let me ask toss this mean that we
 11 need to apply for a site plan?
 12 Q. I don't know, sir?
 13 A. Is that what we are talking about.
 14 MR. WALLACE: Is there a pending
 15 question.
 16 BY MR. CHAGARIS:
 17 Q. My question was did you receive a
 18 copy of this document?
 19 MR. WALLACE: But that had already
 20 been asked and answered.
 21 BY MR. CHAGARIS:
 22 Q. He said I don't know sir may I see
 23 it?
 24 MR. WALLACE: We're still looking
 25 at 15?

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1 was withdrawn did you receive summonses from
 2 the township?
 3 A. Yes.
 4 Q. And those resulted in a hearing
 5 before judge /PHABG Eddie /(?
 6 A. Correct.
 7 Q. And that decision was of record and
 8 that it was appealed to judge /PWOBG man; is
 9 that correct?
 10 A. I believe so yes /(.
 11 Q. And is that the decision of judge
 12 back man is that under appeal at this time?
 13 A. I believe it is yes.
 14 Q. And who is handling that appeal do
 15 you know, what attorney?
 16 A. I'm not quite sure which one at
 17 this point.
 18 Q. Okay. And do you know whether or
 19 not the Ramapough Mountain Indian corporate
 20 charter has been revoked?
 21 A. It hasn't been.
 22 Q. It has not been. Was it
 23 ^ ever ^ every revoked?
 24 A. No.
 25 Q. So am I correct in understanding

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1 BY MR. CHAGARIS:
 2 Q. Yes.
 3 A. Yes, we did receive a copy of this.
 4 Q. And I believe you testified a
 5 little while ago that you withdrew the
 6 application; is that correct?
 7 A. Correct.
 8 Q. And the reason you with drew it is
 9 you thought you had a permit already?
 10 A. Yeah we found there was one filed
 11 with the township that they hadn't notified us
 12 of.
 13 Q. And after you were drew this
 14 application when I say this I'm talking about
 15 the application referred to in P-15, did you
 16 take -- did you do any other work on the
 17 property?
 18 A. What do you mean?
 19 Q. Did you install any structures on
 20 the property?
 21 A. No actually no. What was the date?
 22 Q. This is June 2017.
 23 A. I think they gave us a year after
 24 that I am not positive.
 25 Q. Okay. And after this application

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1 that on the site at this time is the altar and
 2 the long house; is that correct?
 3 A. Right prayer circle the same thing.
 4 Q. ^ Sit ^ Is it the intention of the
 5 corporation or the tribe to install any other
 6 structures on the property at this time?
 7 A. No.
 8 Q. And is there a reason for that?
 9 A. Yes, there is.
 10 Q. And what is that reason?
 11 A. Trying to a get along ^ would
 12 your ^ with our neighbors.
 13 Q. Now, is the property in question
 14 the subject of a green acres December /EUGTS?
 15 A. Yes.
 16 Q. Do you know what a green acres
 17 designation is?
 18 A. Yes.
 19 Q. Can you tell us what your
 20 understanding?
 21 A. Well, we have signs up let me start
 22 by saying over two dozen signs have been
 23 removed ^ store I ^ story the Ramapo students
 24 but I can guarantee you I walk behind a couple
 25 of residents they talk about ^ oh ^ owe my God